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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RAJIV JAIN and RICHARD J. WONG

Application No. 09/887,834

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on November 9, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On March 23, 2004, appellants filed a Reply Brief, along with a Rule 1.132 Affidavit. The examiner responded to appellants' Reply Brief in a communication mailed on May 13, 2004. A review of the application reveals that the examiner has not considered appellants' Rule 1.132 Affidavit or notified appellants as to why their affidavit has not met the criteria set forth in 37 CFR § 41.33

Accordingly, it is

ORDERED that the application is returned to the examiner for consideration of appellants' Rule 1.132 Affidavit

Application No. 09/887,834

filed on March 23, 2004, written notification to appellants of consideration, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


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RA05-0115